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10/620,004	07/14/2003	Romi Singh	1022-2	7473

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EXAMINER	
STALLARD, JOSEPH A	

ART UNIT	PAPER NUMBER
3715	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/620,004	SINGH ET AL.	
	Examiner	Art Unit	
	J. Andrew Stallard	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4-7, 9, 11, 16, 19-21, 24, 28, 30-33 and 38-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoehn-Saric et al. (US 5,915,973).

Claims 1 and 28: Hoehn-Saric discloses a data processing and communication system for at least one of: administrating, monitoring, verifying and authenticating remote activities of a user over a communication network, comprising: at least one user workstation, utilized by the user, connected to the communication network (*col. 5, 19-40; A user workstation (remote test site) can be connected to a network, for example ISDN or the Internet.*), a supervisor workstation, utilized by a supervisor, connected to said at least one user workstation through the communication network (*col. 5, 19-21; A supervisor workstation (central station) can be connected to a user workstation (remote test site) through a network.*); data acquisition means, located at each of said at least one user workstation, for capturing user data representative of activities of the user at each said at least one user workstation (*col. 2, 49-59; A user workstation (remote test site) comprises (f) a means for capturing (recording) user data representative of*

activities of the user (including proctoring data of a testing event).); data transmission means for transmitting said user data to said supervisor workstation (*col. 2, 49-59; A user workstation (remote test site) comprises (g) data transmission means (communicating means) for transmitting (communicating) user data (including proctoring data) to a central station (supervisor workstation).*) such that said supervisor can monitor said user data in real-time (*col. 6, 53-59*); data recording means for recording said user data in a session record; and data storage means for storing said session record (*col. 3, 26-28; Proctoring data of the testing event can be recorded and stored.*) for future authentication of performance of said remote user activities and the user's identity (*col. 3, 29-32; The session record (including proctoring data) can be reviewed to validate (authenticate) the testing event (performance of said remote user activities). A session record (including proctoring data) can also include information to authenticate a user's identity (still picture) (col. 2, 61-65).*).

Claims 4 and 30: Hoehn-Saric discloses that the data processing and communication system of claim 1, wherein the communication network is selected at least from the following group: local area network (LAN), wide area network (WAN), Internet, Intranet, dial-up network, and wireless network (*col. 5, 19-26; The communication network can at least include dial-up network (modem and telephone line), wireless network (satellite), and the Internet.*).

Claims 5 and 31: Hoehn-Saric discloses wherein said user data comprises media data, comprising at least one of audio and visual data, representative of a user's physical activities at said at least one user workstation (*col. 2, 60-65*).

Claims 6-7 and 32-33: Hoehn-Saric discloses task program means, at said at least one user workstation, for enabling the user to perform a predetermined task at said at least one user workstation, wherein said predetermined task is at least one of: a question and answer examination, an adaptive test examination, a multimedia question and answer set, a skill and proficiency test, resolution of a technical support issue, and an interview (*col. 2, 35-37; Any type of computerized examination can be performed at a user workstation.*), wherein said user data further comprises task data representative of results of the user's performance of said predetermined task (*col. 2, 56-59; A user workstation (remote test site) comprises (g) communicating means for communicating test response data to the central station.*).

Claim 9: Hoehn-Saric discloses wherein said data acquisition means comprises a camera operable to acquire a visual image stream of the user and of an area surrounding said at least one user workstation (*col. 6, 45-59*).

Claim 11: Hoehn-Saric discloses wherein said data acquisition means further comprises a microphone operable to acquire an audio data stream from the user and from said area surrounding said at least one user workstation (*col. 6, 48-52; Said data is audio/visual data, which includes audio data from a camera.*).

Claims 16 and 38: Hoehn-Saric discloses communication means for communication between the user and said supervisor during user's performance of said predetermined task (*col. 9, 18-26*).

Claim 19: Hoehn-Saric discloses wherein each said at least one user workstation comprises authentication means for verifying identity of a user utilizing said at least one

user workstation by acquiring authentication data (*col. 2, 51-53; A user workstation (remote test site) comprises (c) a biometric measurement device for inputting test taker biometric data to the processor. Said biometric data can be compared with verified biometric data to verify the identity of a test taker (col. 3, 19-22).*).

Claim 20: Hoehn-Saric discloses at least one of: a biometric scanner (*col. 2, 51-53; Biometric measurement devices (col. 4, 7-14) can be used for authentication, as described above.*), a password supplied by the user, and an image of the user's photographic personal identification acquired by said data acquisition means (*col. 7, 3-6; A photograph or digital image can be part of the biometric data, which can be obtained with the means used to obtain user data, or proctoring data (col. 8, 29-35)*).

Claims 21 and 39: Hoehn-Saric discloses means for storing said authentication data in said session record (*col. 2, 49-59; A user workstation (remote test site) comprises (g) communicating means for communicating test taker biometric data to the central station. The central station can store said biometric data (col. 2, 44-47).*).

Claim 24: Hoehn-Saric discloses wherein said supervisor workstation further comprises display means for displaying said user data to said supervisor (*col. 6, 53-59*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2, 10, 12, 17, 22, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoehn-Saric et al. (US 5,915,973) in view of Greene et al. (US 2002/0172931).

Claim 2: Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose a server, connected to the communication network, said server being operable to: control communication between said supervisor workstation and said at least one user workstation; and control said data recording means and said data storage means. Greene discloses a server that controls communication between supervisor (*proctor*) workstations and user workstations (*client devices*) (*[0019]*). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Greene to modify the system of Hoehn-Saric by using the server of Greene to allow a scalable network with a plurality of supervisor and user workstations.

Claim 10: Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose that said camera is operable to move within a predetermined field of view, and wherein said supervisor workstation further comprises first control means for controlling said motion of said camera in response to said supervisor's instructions. Greene teaches a supervisor (*proctor*) controlling the position of the video camera and/or audio pickup device (*[0045]*). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Greene to modify the system of

Hoehn-Saric by including the option of controlling the camera as taught by Greene to provide more flexibility for the supervisor.

Claim 12: Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose data control means, at said supervisor workstation, for controlling, by said supervisor, parameters of at least one of said visual image stream and audio data stream. Greene, also, teaches the supervisor controlling reducing the sampling rate of the audio/visual stream during non-suspicious activity periods (*[0067], 4-8*). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Greene to modify the system of Hoehn-Saric by allowing the supervisor to control parameters of an audio/visual stream as taught by Greene to conserve bandwidth.

Claim 17: Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose that said communication means comprises a chat application executed by at least one of said supervisor workstation and said at least one user workstation. Greene teaches using a chat application to chat (*send instant messages*) between the supervisor (*proctor*) and the user workstation (*client device*) (*[0055]*). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Greene to modify the system of Hoehn-Saric by using the chat application of Greene to provide a simple way for the user and supervisor to communicate.

Claim 22: Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose second data acquisition means, located at said supervisor workstation, for capturing supervisor data representative of at least a portion of activities of a supervisor at said supervisor workstation; second data transmission means for transmitting said supervisor data to said at least one user workstation for viewing by a user. Greene teaches students (*users*) receiving an audio/video feed (*supervisor data*) of a live lecture (*activities of a supervisor at said supervisor workstation*) through a computer system (*[0004]*). The system of Hoehn-Saric already has the means for remotely administering tests, including sending audio and video data of a person. It would also be beneficial to expand that to include remotely teaching classes and administering tests for those classes, as taught by Greene. This would provide the entire educational experience to the user, and not just the testing. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Greene to modify the system of Hoehn-Saric by including the remote lectures of Greene to provide the entire educational experience to the user.

Claim 25: Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose wherein said display means comprise a display monitor, and wherein said supervisor workstation comprises a first graphical front-end interface operable for display on said display monitor to said supervisor, said first graphical front-end interface comprising: at least one user monitor window operable to: display said visual user data

received from said at least one user workstation, provide information representative of parameters of said user data to said supervisor, and enable said supervisor to control said parameters a task window operable to display non-visual user data received from said at least one user workstation; and at least one of: a chat window for enabling chat communication between said supervisor workstation and said at least one user workstation, a hotkey message window for selectively sending one of a plurality of predefined test messages to said at least one user workstation, and a hotkey control window for providing customizable functional controls over said supervisor workstation to said supervisor. Greene discloses that said display means comprise a display monitor (*Fig. 1 shows display monitors attached to the computers.*), and wherein said supervisor workstation comprises a first graphical front-end interface operable for display on said display monitor to said supervisor (*Fig. 5*), said first graphical front-end interface comprising: at least one user monitor window operable to: display said visual user data received from said at least one user workstation (*Fig. 1, 531*), provide information representative of parameters of said user data to said supervisor, and enable said supervisor to control said parameters (*Fig. 5, 530; An environment window (530) can enable a supervisor to turn audio on or off (532), record the video and audio data (533), etc. ([0054])*); a task window operable to display non-visual user data received from said at least one user workstation (*Fig. 5, 510*); and a chat window for enabling chat communication between said supervisor workstation and said at least one user workstation (*Fig. 5, 520*). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Greene to modify the

system of Hoehn-Saric by using the display monitor and graphical front-end interface of Greene to provide a user interface for a supervisor.

Claim 27: Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed. Hoehn-Saric, also, discloses a plurality of user workstations (*col. 10, 10-13; Remote testing sites (user workstations) is plural, indicating the possibility of more than one user workstation.*), Hoehn-Saric does not expressly disclose a plurality of supervisor workstations, and at least one server connected to the communication network operable to operable to: in response to a request by a particular user, determine an available supervisor workstation, connect said corresponding user workstation to said available supervisor workstation, and monitor communication there between. Greene discloses a plurality of supervisor workstations (*Fig. 1, 105-107*), and at least one server (*Fig. 1, 104*) connected to the communication network operable to operable to: in response to a request by a particular user, determine an available supervisor workstation, connect said corresponding user workstation to said available supervisor workstation, and monitor communication there between (*[0043]*). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Greene to modify the system of Hoehn-Saric by using the server and plurality of supervisor workstations of Greene to allow a scalable network with a plurality of supervisor and user workstations.

3. Claims 3 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoehn-Saric et al. (US 5,915,973) in view of Greene et al. (US 2002/0172931) as applied to claim 2 above, and further in view of Rigault et al. (US 6,223,186).

Hoehn-Saric/Greene teaches applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose that said server is further operable to automatically switch said connection between said at least one user workstation and said supervisor workstation to one of said at least one additional supervisor workstation in response to one of: termination of said connection between said at least one user workstation and said one of said supervisor workstation; and an instruction received from said supervisor requesting switch of said connection. Greene discloses a server that controls communication between supervisor workstations and user workstations. Greene, also, teaches using at least one additional supervisor workstation connected to the communication network. Rigault teaches automatically switching between supervisor workstations (*servers*) if one of the supervisor workstations (*servers*) terminates a connection (*becomes unavailable*) (*col. 4, 4-6*). Rigault teaches that this ensures high availability (*col. 4, 4-6)*. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Rigault to modify the system of Hoehn-Saric by automatically switching the supervisor workstations as taught by Rigault to ensure high availability.

4. Claims 8 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoehn-Saric et al. (US 5,915,973) in view of Lotvin et al. (US 5,907,831).

Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose security means for at least one of: concealing said task data from said supervisor when said task data is confidential, and removing said task program means from said at least one user workstation when said predetermined task is completed by the user. Lotvin teaches administering exams from a central computer using locally running software, transmitting the results at the completion of the exam, and deleting (*removing*) the locally running software (*task program means*) from the computer (*user workstation*) following termination of its execution (*col. 6, 45-56*), or in other words, when said predetermined task is completed by the user. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Lotvin to modify the system of Hoehn-Saric by removing the task program means from when a predetermined task is completed by the user as taught by Lotvin to allow the task program means to be stored at a central location, so the local computer can execute a plurality of task programs without needing to store all of them locally.

5. Claims 13-15 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoehn-Saric et al. (US 5,915,973) in view of Shannon (US 6,233,618).

Claims 13 and 35: Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose lockout means for preventing the user from utilizing unauthorized program applications and hardware components at said at least one user workstation during performance of said predetermined task by the user. Shannon teaches restricting access to application software (*col. 5, 29-32*). It would benefit the system of Hoehn-Saric to restrict access to certain applications during a test, so the user does not cheat. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Shannon to modify the system of Hoehn-Saric by using the lockout means of Shannon to prevent cheating.

Claims 14 and 36: Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose system monitoring means for detecting an attempt by the user to utilize unauthorized program applications and hardware components at said at least one user workstation during performance of said predetermined task by the user. Shannon teaches detecting an attempt at restricted (*unauthorized*) access to software (*col. 14, 42-46*). It would benefit the system of Hoehn-Saric to detect when a user tries to access unauthorized software, so the proctor can be notified of potential cheating. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Shannon to modify the system of Hoehn-Saric by using the system monitoring means of Shannon to detect potential cheating.

Claims 15 and 37: Hoehn-Saric discloses termination means at said supervisor workstation for terminating the user's performance of said predetermined task prior to completion thereof when unauthorized activity by the user is detected by said supervisor via at least one of said data acquisition means and said system monitoring means, and for recording said termination action in said session record (*col. 8, 57-64*).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoehn-Saric et al. (US 5,915,973) in view of Chaddha (US 5,742,892).

Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose said data transmission means comprises synchronized multi-media data streaming based at said at least one user workstation to facilitate data transmission over a low-bandwidth connection. Chaddha teaches a scalable video delivery system, including synchronizing audio and video streams (*col. 11, 41-44*). Chaddha teaches the video delivery system can accommodate lower bandwidth links (*col. 2, 51-54*). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Chaddha to modify the system of Hoehn-Saric by using the video delivery system taught by Chaddha to accommodate lower bandwidth links.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoehn-Saric et al. (US 5,915,973) in view of Greene et al. (US 2002/0172931) as applied to claim 22 above, and further in view of Turner et al. (US 2003/0018725).

Hoehn-Saric/Greene teaches applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose instruction means for enabling shared application access from said supervisor workstation with said at least one user workstation. Turner teaches training users using shared application access (*[0066]*). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Turner to modify the system of Hoehn-Saric/Greene by using the shared application access of Turner to provide interactive training to better train the user.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoehn-Saric et al. (US 5,915,973) in view of Greene et al. (US 2002/0172931) and Matheny et al. (US 4,884,068).

Hoehn-Saric discloses applicant's basic inventive concept of a data processing and communication system, substantially as claimed, but does not expressly disclose wherein said display means comprise a plurality of display monitors, and wherein said supervisor workstation comprises a second graphical front-end interface operable for display on said plural display monitors to said supervisor, said second graphical front-end interface comprising: a program front end interface, positioned at a first plural display monitor, comprising a task window operable to display non-visual user data received from said at least one user workstation; and at least one of: a chat window for enabling chat communication between said supervisor workstation and said at least one user workstation, a hotkey message window for selectively sending one of a plurality of

predefined test messages to said at least one user workstation, and a hotkey control window for providing customizable functional controls over said supervisor workstation to said supervisor; a plurality of user monitor windows positioned at other plural display monitors, each of said plural user monitor windows being operable to: display said visual user data received from a plurality of corresponding user workstations, provide information representative of parameters of said user data from each said plural user workstation to said supervisor, and enable said supervisor to control said parameters. Greene discloses wherein said supervisor workstation comprises a graphical front-end interface operable for display on a display monitor to said supervisor, said graphical front-end interface comprising: a program front end interface, positioned at a first plural display monitor (*Fig. 5*), comprising a task window operable to display non-visual user data received from said at least one user workstation (*Fig. 5, 510*); and a chat window for enabling chat communication between said supervisor workstation and said at least one user workstation (*Fig. 5, 520*); a plurality of user monitor windows (*Fig. 5, 530*), each of said plural user monitor windows being operable to: display said visual user data received from a plurality of corresponding user workstations (*Fig. 5, 531*), provide information representative of parameters of said user data from each said plural user workstation to said supervisor, and enable said supervisor to control said parameters (*Fig. 5, 530, 532, 533; [0054]*). Matheny discloses wherein said display means comprise a plurality of display monitors (*Figs. 1 and 3*). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Greene and Matheny to modify the system of Hoehn-Saric by using the graphical front-

end interface of Greene on the plurality of display monitors of Matheny to provide a user interface for a supervisor with a plurality of display monitors, so the supervisor would have enough display area to properly supervise all the users.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sonnenfeld (US 6,112,049) discloses remote administration of tests.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Andrew Stallard whose telephone number is (571) 272-2685. The examiner can normally be reached on 9:15 am to 6:45 pm - Mon - Fri (1st Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Andrew Stallard
Examiner
Art Unit 3715

5/24/06

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